The true Copie

OF A

SPEECH

Delivered by the Honorable

VVilliam Perpoynt [Pierrepont]

ſecond Son to the right Honorable
the Earle of Kingſtone,
againſt

Sr ROBERT BERKLEY

Knight, one of the Juſtices of the
Kings Bench, in maintenance of
their accuſation of high Treaſon,
and other great miſdemeanors.

At a Conference of both Houſes in the
Painted Chamber, *July* 6. 1641.

LONDON,
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My Lords,

Am commanded to present to your Lordships these Articles, with which the Knights, Citizens, and Burgesses of the Commons house of Parliament, in their own name, and in the name of all the Commons of *England*, impeach Sir *Robert Berkley*, Knight, one of the Justices of his Majesties Court of Kings bench in maintenance of their accusation of high Treason, and other great misdemeanours. The Articles they desire may be read.

The Articles were read by Mr. Newport.

The high Treason is in the first Article, in his endeavours to subvert the fundamentall Laws of this Realm, and to introduce an Arbitrary and Tyrannicall government, which have been lately adjudged Treason, in the cause of the Earle of *Strafford*.

The other Articles prove the first. By his opinions, Certificates, Judgements, by his denials of the benefits of our Laws, which have been read to your Lordships. No fundamentall Law to the Subject is left, our goods, our lands, our bodies, the peace of a good conscience are by him given up to Arbitrary, Tyrannicall Government.

Nothing hath been omitted to make a Judge know the Laws, to make him just, or fear him from

being evil; We have Inns of Court for that peculiar ſtudy, Judges from thence onely choſen; ſeldome any but what have been twenty years there; Honours and revenues are given to Judges, encouragements to do well, this Judge had theſe; Judges are ſworn according to Law to ſerve the King, and his people, according to Law to counſell the King, and for not ſo doing, to be at his will for body, lands and goods; this Judge took that oath; the Laws the Judges ſtudy, impoſe the greateſt puniſhments on unjuſt Judges, ſhew that theſe puniſhments have been inflicted; more could not be done to perſwade or fear a Judge.

His offences ſhew in him great ambition, yet he was moſt timorous of diſpleaſing the great in power he did not onely forbear doing what he was ſworn to do, but was moſt active againſt our Lawes, & in oppoſing and puniſhing any that did maintein them.

To have only received Bribes (though they blind the eyes, and though the deſire to get money encreaſeth with age) that hainous crime in a Judge had been, in compariſon with his offences, a tolerable vice; for from ſuch a Judge juſtice is alſo to be had for money. Ambition is violent, and ruines, whilſt Covetouſneſſe is making a bargain.

The words of his opinions and judgement are for the Kings power. It is pleaſing to the nature of man that others ſhould obey his will; and well framed diſpoſitions of Princes may eaſily be perſwaded their power is unlimited, when they are alſo put in mind, that therefore they have more cauſe to do well, and for doing well are more renowned; For the moſt oppreſſive deſignes (which we have ſuffered

ed under) the pretences to his Majestie have ever been the good of his Subjects; His is the sin, that is to judge by the Lawes, and knows the Lawes are to the contrary, yet puts and confirms such thoughts in his Prince.

He that incites another to Arbitrary Government, when his self-ends are thereby compassed, hates him for taking that power he perswaded him unto.

The writs, those monsters of necessitie to provide Ships to prevent imminent danger that could not stay forty daies for the calling of a Parliament, were therefore to goe out in *September* to have Ships ready in *March*. This hath been adjudged by your Lordships to bee destructive to the fundamentall lawes of this Realm and to the subiect right of property and liberty &c. that I shall say but this concerning them, that this Judge published them to bee inseparable flowers of the Crown. And that wee have lived to see for five yeares together imminent danger, and thus to bee prevented.

This Judge did advise to such a government as future Kings here might exercise the highest Tyrannies, and the Subjects want the benefit of restraints known to the most slavish Easterne nations where if their Prince doth unjustly, he hath hatred for it, and the dangers that follow that. This Judge will have that hatred to goe to our good lawes. No such bondage as when lawes of freedom are misinterpreted by Judges to make men slaves.

What can be considered of in a Judge of Law to give his opinion and advise to his Prince how the lawes the mutuall covenants of Kings and Subjects

are to be broken but that his intentions are to have his Prince doe ill by making his evill servants to study, and to be pleased with their wicked designes: because they see means to put them in execution, by making them to perswade their Prince, because in imminent danger, his Subjects goods are at his will, that there is such danger when there is not: and they onely have some by-end of their own.

A Judge to deliver his opinion, that if the King should intend to give up his people to be destroyed by forreign forces, for the safety of the people in that imminent danger once by the Law might take away the King; there could be no greater offence.

This Judge will have our Law to be what to him seems reason; the reason limited to him to judge of is what the common Law saith is so, what a Statute hath so enacted. For him to judge this or that is Law, else a mischief shall follow, is at best for him, but this because the Law in such a thing is imperfect, therefore he will make a Law to supply it; or because that the Law written in such particulars is against his reason, therefore his reasons to be Laws; then must follow, as often as a Judges reason changes, or Judges change, our Laws change also.

Our liberties are in our Laws, where a Subject may reade or hear read, this is his, this he may do, and be safe, and that thus the Judge ought to give judgement, he is free. The excessive growth of Courts of reason, conscience, came from great and cunning persons, and though not the most sodain, yet the most dangerous, and sure wayes to eat out our Laws, our liberties.

Unlimited power must be in some to make and

repeal

repeal Laws to fit the dispositions of times and persons, Nature placeth this in common consent only, and where all cannot conveniently meet, instructeth them to give their consents to some they know or believe so well of as to be bound to what they agree on. His Majestie, your Lordships and the Commons are thus met in Parliament, and so long as we are often reduced to this main foundation, our King and we shall prosper.

This Judge will not allow us our knowledge or any reason, he will have our minds, our souls slaves. A grand Jury-man gave his fellows true information, they present an innovation in the Church, are threatned & reviled for it; he that told this truth is charged (I shall use this Judges own words) to sin in that, & that he made others forswear themselvs; this Judge sent him to the common goal, where he is laid in irons, and all this, because he and they durst meddle with Church-matters. He is forced to tear the Presentment in pieces in open Court; our Laws provide for the peace of our consciences, many Acts of Parliament are for it, and the trust by those Acts set to Juries; this Judge well knew all this; your Lordships have heard what he did to the Jury at *Hartford*; He would have us know no more Divinity then to obey what the Great of the Clergy directed, no more Law then what he said was so.

Judges in former times, (but onely such as were examples of punishment, as of injustice in cases of great and publike concernment) forbare proceedings till the next Parliament. This necessitated the calling of Parliaments; this Judge had as many such causes before him, as ever any had, yet he never

desired

desired the resolution of Parliament in any one, for the wayes he went, the necessitie was never to have a Parliament, he would pull up that root of our safeties and liberties, which whilst we enioy, the malice or injustice of all other Courts and persons can never ruine, and when neere to ruin (as most neere of late) this onely sure remedy will helpe us, nothing can ruine a Parliament, but it selfe.

The evills which we have suffred under, they were committed by the Iudges, or by them ought to have been and might have bene prevented.

This Judge assisted in causing the miseries we suffred in the Starchamber and at the councell table, he denied the known rights which he ought to have granted us to stop our grievances in the Ecclesiasticall Courts, he was the causer of our sufferings in other Courts.

The best lovers of their Laws and liberties, the most honest suffer most by an unjust Judge, they most oppose his vices; dishonest persons find such a Judge to fit their purposes, the Judge finds them for his, the bond of iniquity confederates them.

He that will do no wrong, will suffer none which he can help: the man that knows himself born free, will do his utmost to live so, and to leave freedome to his posterity, were he in slavery, when by outward gesture thought to be most delighted, were his mind then known, there would be found vexation, and his busie thoughts imployed to redeem himself and his posterity from thraldome. But to say, could this Judge intend to make himself and his own posterity Slaves? What he did was through errour of judgement onely; No my Lords, what his

his aimes and endeavours were is apparent. To consider man in the generall, we shall find in every age he will be a slave to some few, that many may be slaves to him, he looks to himself onely; this he would doe or forbear doing to be great, to be rich, had he children or kindred or had none. This highly unjust Judge by continuing sinnes, mainteined his actions to preserve himself, he knows to be found guilty in one of his offences, the penaltie of the Law for it, therefore covers the offences committed with inventing and acting other.

For a Judge to be unjust, more hurts the publique then any other, he is not suspected. What a Judge doth is looked on as a thing that ought to be done. The most pernitions great man that by cunning hath got to himself the heart and tongue of his Prince, his ill acts have dyed with him, if not taken up by others, and then they walke in darkenesse, No man will justifie what he doth by saying such a favorite did it, but the unjust Judgments of this Judge were given in the noone day, were done in the face of the whole Kingdome in the hearing of such as might carry the newes to all parts of the Realme, and was therefore done. His unjust Judgements were our records. We have seen wicked great men most craftily politique, they hated our Laws, yet not meeting with active Judges moulded to their purposes, they and their acts have dyed, the Realm flourished, but of late others lesse politique meeting with most unjust Judges, every way as ill as they could wish them to be, then did the Kingdome faint under the load of its misery, did long struggle; now its rising I assure my self, your Lordships will assist to take of the burden.

If the designes of some would not have such a man to be at liberty, a warrant from some Lords of the Councell would soon have laid him in prison, and given no cause; had he moved this Judge to be discharged or bailed, he could have obtained neither, if their wayes would not have endured that man to live, a Judge reviling the prisoner, and his Councell that moved for his discharge or baile, joyned with the hate of some great man, might soon have moved a Gaoler for unwholsome rooms and lodging, and ill diet for his prisoner, and they may soon take life away.

Offenders in prisons are looked after to be safe onely such are brought in by power against Law, are abused.

Had a great man desired the estates of others, the breach of a Proclamation might readily have been charged against them in the Starchamber: but they, it may be could have answered and cleared themselves, and proved their answers by testimonies, had they been referred to this Judge, he would have expunged the one, suppressed the other. Then followed Fines to the value of their estates, or more, then imprisonments of course till they paid such Fines; your Lordships have heard what this Judge did to the Sope-boylers.

The Country-man followed the plough, and his thinking he was assured of his right of Propertie and libertie, gave him abilitie to doe it. He beleeved his neighbour, his landlord, his King, could not take his goods from him without his consent. He knew the usuall paiments by law, and in extraordinary causes thought to have that care to choose such for his

his Knights of his ſhire, or for his Burgeſſes, as might be mindfull of the cauſe of paiment, and of his eſtate.

This man hath heard the opinions and judgement of this Judge, hath ſeen his goods taken from him without his, or his knights of the Shire, or Burgeſſes conſent or adviſe. Theſe have made him, his wife, and children to joyne in teares to wiſh they had never been borne, they have made them think on many wayes to keepe ſafe that eſtate which was yet left them, have made them deſire to ſell all their goods, and hide the money, but then he remembers this Judge, how that he ſhall be carryed to priſon, and remain there if he pay not what pleaſe others to aſſeſſe him. Then they thinke idle perſons (the droanes and moths of the Common wealth) to be a wiſe people, who to be unworthy to live, they formerly conceited. They expect and can think of nothing, but to be Beggars.

Where publike and enormous offences have been committed, eminent and notorious puniſhments muſt be, ſuch will make your Lordſhips proceedings highly eſteemed; elſe there will be ſo many offenders, as none without danger can be puniſhed.

This Judge, ſubverting our Lawes, tooke away the hearts of many; he ſubſcribed for the Kings power, but ſo as he put him on taking his Subjects goods, and of all other, ſuch wayes be moſt dangerous; For we know, his Majeſtie is not the laſt that ſuffers, and is not the King worth many thouſands.

The place of this Judge was to have given and preſerved to the King the hearts of his Subjects, the

due execution of the lawes had done this, and when ſuch notice is taken of a Prince, none will conſpire againſt him who cannot faine to themſelves ſafety before or after any fact committed. Forraigne enemies will not invade his Kingdomes.

Thus hath his Majeſtie now got our hearts, and will for ever have them. This Judge is to anſwer for what his Majeſtie, and for what we have ſuffred.

I am by command of the Houſe of Commons to deſire of your Lordſhips that the proceedings againſt Sir *Robert Berkley* Knight, one of the Juſtices of his Majeſties Court of Kings Bench may be put in as ſpeedy a way of Triall, as the courſe of Parliament will allow.

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